

25 29. The cassette according to claim *24*, wherein
said hydrophobic regions of said first support confine said
binding domains and/or said sample in discrete domains.--

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REMARKS

Favorable reconsideration and allowance are earnestly solicited. Claims 1-7 are pending. Claims 8-29 have been added and relate to additional preferred embodiments of the claimed cassette. Support for claims 8-29 can be found in the subject specification, *inter alia*, at pages 31-40. Therefore, the foregoing claim amendments do not constitute new matter.

A check in the amount of \$181.00 is enclosed to cover the fee associated with the addition of claims 8-29 for a small entity (nine claims in excess of 20 and two new independent claims). Additionally, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in this claim fee to Deposit Account No. 50-0297.

Thus, claims 1-29 are pending and at issue.

RESTRICTION REQUIREMENT

The Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

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I. Claims 1 and 2, drawn to methods for conducting electrochemiluminescence assays;

II. Claim 3, drawn to an article comprising binding domains on a support; and

III. Claims 4-7, drawn to a cassette.

The Examiner asserted that the inventions defined by Groups I, II and III are unrelated and have different modes of operation and effect. Specifically, the Examiner asserted that the claims of Groups I and II, are related as product and process of use, as are the claims of Groups I and III. Further, the Examiner stated that the claims of Groups II and III are not related because the article of Group II only requires a support having binding domains, whereas electrodes are not an integral part of the apparatus.

Applicants respectfully traverse the restriction requirement for the reasons below.

Groups I-III are merely different embodiments of a single inventive concept for which a single patent should issue and do not constitute distinct inventions. The Groups of claims identified in the Office Action are not distinct inventions, but rather are an intricate web of knowledge and continuity of effort which merit examination of all claims in a single application.

Furthermore, it is believed that an adequate search with respect to the subject matter of the invention would necessarily encompass the same art. It is only reasonable that the claims of Group I encompassing methods for conducting assays using the article and cassette of Groups II and III, respectively, should issue in a single patent.

Even assuming *arguendo* that Groups I-III represent distinct inventions, Applicants submit that a search of the subject matter of each group would not be a serious burden on the Examiner. The M.P.E.P. §803 (Sixth Edition, Rev. 2, July 1996) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Finally, Applicants assert that the Office Action does not establish the proper basis for the restriction requirement and therefore claims 1-7 should be searched and examined in the instant application.

In view of the foregoing remarks and in the interest of efficiency, reconsideration and withdrawal of the requirement for restriction are requested.

However, in an effort to fully respond to the restriction requirement, Applicants provisionally elect the

claims defined by Group III for prosecution in the present application.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and such action is earnestly solicited.

Respectfully requested,

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